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TULARE COUNTY SUPERIOR COURT
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OCT 04 2018

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TULARE COUNTY SUPERIOR COURTS
STATE OF CALIFORNIA, VISALIA DIVISION

In Re SEARCH WARRANT #013487

CASE NO: _____

YORAI BENZEEVI,

RESPONSE TO REPLY OF DR. YORAI
BENZEEVI'S MOTION FOR RETURN
OF SEIZED PROPERTY

Moving Party,

v.

SUPERIOR COURT OF THE COUNTY OF
TULARE,

Respondent,

TULARE COUNTY DISTRICT ATTORNEY,

Real Part in Interest.

Date: October 5, 2018
Time: 2:00 pm
Dept: 13

Respondent, the People of the State of California, by and through their attorneys, TIM WARD, District Attorney, and TREVOR HOLLY, Deputy District Attorney, submit this RESPONSE TO REPLY OF DR. YORAI BENZEEVI'S MOTION FOR RETURN OF SEIZED PROPERTY related to search warrant #013487. This motion is based upon the pleadings, points and authorities, evidence, and argument presented at the hearing of the matter.

1 Dr. Benzeevi's bank accounts were seized pursuant to search warrant #013487. Prior
2 to signing the warrant, a judge reviewed the evidence presented to him and determined the
3 funds were unlawfully obtained by Dr. Benzeevi and could be lawfully seized pursuant to PC
4 § 1524(a). Therefore, there has already been a legal, evidentiary based decision that the funds
5 are stolen property and Dr. Benzeevi has no right to its use and possession pending another
6 hearing.

7 Dr. Benzeevi does have the opportunity to challenge the search warrant at a properly
8 noticed and scheduled evidentiary hearing. As the current motion was not properly noticed
9 and no hearing has been scheduled, there can be no ruling on the 5th. Dr. Benzeevi has no
10 right to the assumption that the Court erroneously issued the warrant. Return of property
11 seized by a search warrant requires an actual evidentiary hearing, which is more than
12 attaching a few documents to a motion and calling it evidence. Witnesses must be questioned,
13 the foundation for evidence laid. There is no basis for unfreezing Dr. Benzeevi's funds as the
14 Court's prior determination that the funds are stolen property stands undisturbed and we
respectfully request the Court set dates when the matter may be heard.

15 Dated: 10/04/18

16
17 Respectfully submitted,

18 TIM WARD
DISTRICT ATTORNEY

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21 TREVOR HOLLY
DEPUTY DISTRICT ATTORNEY